

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

State of Illinois, Department of Transportation,
Petitioner,

vs.

Illinois Central Railroad (IC) and City of Effingham,
Respondents.

T00-0088

Petition (1) to install a pre-signal on the eastbound approach of
Evergreen Avenue of the at-grade crossing of IC's single main
line track, (2) to interconnect the newly installed traffic signals at
the intersection of Evergreen Avenue and U.S. 45 with the
railroad warning devices at the Evergreen Avenue at-grade
crossing of the IC's single main line track and (3) to establish the
amount of minimum preemption time provided by IC to the
Department for the traffic signal preemption sequence at said
intersection, located in Effingham, Illinois.

ORDER

By the Commission:

On September 1, 2000, the Illinois Department of Transportation ("Department")
filed the above described Petition with the Illinois Commerce Commission
("Commission").

On November 1, 2000, the Department filed a Motion for Continuance in this
proceeding. On November 2, 2000, the Department's Motion for Continuance was
denied by the Commission's Hearing Examiner overseeing this proceeding and the
hearing remained scheduled for November 30, 2000.

On November 30, 2000, pursuant to proper legal notice, a Hearing was held
before a duly authorized Hearing Examiner at the Commission's Office in Springfield,
Illinois. Appearances were entered by the Department and a member of the
Commission's Railroad Section ("Staff"). No appearances were entered by the Illinois
Central Railroad ("Railroad") or the City of Effingham ("City").

At the November 30, 2000 Hearing, Staff submitted a recommended draft order
and letters from counsel for the Department, Railroad and the City, acknowledging their
review and acceptance of the contents of the draft order, as evidence on behalf of the
Department, Railroad, City and Staff. The draft order addresses all issues in the

Department's petition including a division of cost among the parties and a completion date for the proposed improvements. Staff also submitted as evidence an estimate of cost prepared by the Railroad to perform the proposed warning system improvements. Staff and the Department both indicated they found the estimate of cost to be satisfactory. The draft order and the estimate of cost were admitted as evidence and the record was marked "Heard and Taken".

The Commission, having given due consideration to the entire record in this matter, finds that:

- 1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- 2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- 3) Federal Railroad Administration Rule 49 CFR Part 234.225 and the Commission's 92 IL Adm. Code 1535.350 both require that a minimum of 20 seconds warning time be provided at-grade crossings equipped with automatic warning devices;
- 4) within the City a public highway known as Evergreen Avenue (DOT 289 180B) crosses at-grade the Railroad's single mainline track; Evergreen Avenue is under the jurisdiction of the City; the railroad warning devices at the Evergreen Avenue at-grade crossing consist of automatic flashing light signals and gates; Evergreen Avenue intersects U.S. 45 approximately ninety (90) feet east of the track, which intersection now has stop signs; U.S. 45 is under the jurisdiction of the Department; the Department proposes to replace the stop signs with highway traffic control signals, including pre-signals west of the tracks for eastbound motorists; the Department proposes to interconnect the railroad crossing warning devices with the highway traffic control signals where Evergreen Avenue intersects with U.S. 45 in the City; the highway traffic control signals will be under the jurisdiction of the Department;
- 5) the Commission finds that the warning system improvement at the aforesaid Evergreen Avenue at-grade crossing requested in the Department's petition and as stated below is in the interest of public safety and should be approved; the Commission also finds that the cost division and the completion date for the improvement as provided in the aforesaid draft order and as stated below are fair and reasonable and should be approved:

<u>Improvement</u>	<u>Est. Cost</u>	<u>Department</u>	<u>Railroad</u>	<u>Completion From Order Date</u>
Install interconnect circuit and modify existing control circuitry to provide for a minimum of 27 seconds simultaneous preemption time at the Evergreen Avenue (DOT 289 180B) at-grade crossing in Effingham, IL.	\$25,620	100% (not to exceed \$25,620)	Any Remainder	12 Months
Install pre-signals west of the tracks for eastbound motorists and interconnect highway traffic control signals with railroad crossing warning devices.	No Estimate	100%		12 Months

IT IS THEREFORE ORDERED by the Commission that the Railroad shall perform the at-grade crossing warning system improvement as set forth in Finding (5) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the Department shall perform the highway traffic control system improvement as set forth in Finding (5) herein and shall thereafter maintain same.

IT IS FURTHER ORDERED that the cost of the improvements herein required shall be allocated as set forth in Finding (5) herein.

IT IS FURTHER ORDERED that the Railroad and the Department shall perform their work herein required within twelve (12) months from the date of this Order.

IT IS FURTHER ORDERED that after the warning system work herein required has been completed, the Railroad shall not take any action which would result in a reduction of the minimum simultaneous preemption time without approval of the Commission.

IT IS FURTHER ORDERED that the Railroad shall post a readily visible notice inside its warning system cabinet notifying its personnel not to take any action which would result in a reduction of the minimum railroad preemption time herein required without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the proposed railroad preemption sequence provided in the Department's petition shall be utilized for the highway traffic control devices to be installed at the highway intersection of Evergreen Avenue and U.S. 45 in the City and shall not be altered in a manner which would reduce the amount of time

vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission.

IT IS FURTHER ORDERED that the Department shall post a readily visible notice inside its traffic signal cabinet notifying its personnel not to alter the railroad preemption sequence for the traffic signals interconnected with the railroad warning devices at the aforesaid interconnected at-grade crossing in a manner which would reduce the amount of time vehicles encroaching the track zone would have to clear the tracks without the approval of the Commission. An actual size copy of the notice shall be submitted to the Commission's Rail Safety Program Administrator for approval.

IT IS FURTHER ORDERED that the Railroad shall within one hundred twenty (120) days from the date of this Order furnish the Department for its review two (2) copies of the general layout plans applying to the warning system work herein required.

IT IS FURTHER ORDERED that the Department shall, within thirty (30) days of its receipt of the aforesaid general layout plans, furnish to the Commission a statement of its approval or disapproval thereof, this for the information of the Commission when considering the application herein required to be filed in accordance with Form 3 of 92 Ill. Adm. Code 1535.

IT IS FURTHER ORDERED that the Railroad shall file a Form 3 application with the Commission, in accordance with 92 Ill. Adm. Code 1535, showing details of the control circuitry work herein required and shall receive approval thereof by X-Resolution of this Commission before commencing the work of installation.

IT IS FURTHER ORDERED that the Railroad shall file a written report within ninety (90) days from the date of this Order with the Director of Processing and Information of the Commission's Transportation Division, stating the progress made toward completion of its work herein required. Said report shall include the name, title, mailing address, phone number and facsimile number of the Railroad employee responsible for management of this project.

IT IS FURTHER ORDERED that the Railroad shall file a written notice of completion with the Director of Processing and Information, Transportation Division of the Commission within five (5) days of completion of its work herein required.

IT IS FURTHER ORDERED that subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 20th day of December, 2000.

*Richard P. Mathias*³

Chairman

EXAMINER	<i>[Signature]</i>
SECTION CHIEF	<i>[Signature]</i>
Supervisor of Orders	<i>[Signature]</i>